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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,300	01/22/2002	Srinivas Mandyam	2102299-991130	2017
29906	7590	02/28/2005		EXAMINER
INGRASSIA FISHER & LORENZ, P.C. 7150 E. CAMELBACK, STE. 325 SCOTTSDALE, AZ 85251			NGUYEN, MAIKHANH	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/056,300	MANDYAM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Maikhahan Nguyen	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 22 January 2002.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-18 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

***DETAILED ACTION***

1. This action is responsive to communications: original application filed 01/22/2002.
2. Claims 1-18 are currently pending in this application. Claims 1 and 10 are independent claims.

***Drawings***

3. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which are old are illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

4. Specification is object to because Figs.1 and 2 are not described in the Detailed Description of a Preferred Embodiment of the Invention.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claims 1-18, the claims read on a mental process or the manipulation of an abstract idea. The claim limitations are not explicitly directed toward steps being implemented on a computer, computer readable medium, or other statutory device. As such, they could be carried out mentally in conjunction with pen and paper. The claimed steps do not define a machine or computer implemented process (see MPEP 2106). Therefore, the claimed invention is directed to non-statutory subject matter.

***Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language; or " (Emphasis added.)

Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by **Goldman et al.** (U.S. 6,345,277 – filed 02/1999).

**As to independent claim 1:**

Goldman teaches a method for extracting content from a document (*Abstract*), comprising the step of:

- (i) creating at least one selection envelope based upon a plurality of selection commands for locating specific content within said document (*e.g., when a derived hierarchy is created ... each derived container represents a category of information; col.7, lines 49-61*); and
- (ii) selecting content from said document based upon said at least one selection envelope (*e.g., Selecting a derived container ...Selecting a derived container can also occur when a dynamic update of hierarchy occurs to automatically traverse the hierarchy at specified periods, so that as each level is traversed, one or more derived containers are selected; col.8, lines 30-37*).

**As to dependent claim 2:**

Goldman teaches begin marker and an end marker, which respectively define the beginning and end of the selection envelope (*col.22, lines 42-60 and Fig.23*).

**As to dependent claim 3:**

Goldman teaches a parent envelope (*e.g., a derived hierarchy 108 in a hierarchy; col.6, lines 31-32 and Fig.5*) and a child envelope (*e.g., one or more derived container; col.6, lines 32-33 and Fig.5*).

**As to dependent claim 4:**

Goldman teaches the child envelope is nested within the parent envelope (*e.g., a derived container at a lower at a lower level is a child derived container of a derived container at a higher level; col.6, lines 31-65*).

**As to dependent claim 5:**

Goldman teaches the child envelope partially overlaps the parent envelope (*col.15, lines 14-28 and Fig.17*).

**As to dependent claim 6:**

Goldman teaches the child envelope is completely outside of the parent envelope (*col.7, lines 3-32 and Fig.6*).

**As to dependent claim 7:**

Goldman teaches a command based on the document structure (*col.10, lines 1-19*).

**As to dependent claim 8:**

Goldman teaches a command based on a character pattern (*e.g., The selection criteria attribute can comprise a single statement, or one or more statements joined by a Boolean word 'AND, OR, XOR'; col.12, lines 25-27*).

**As to dependent claim 9:**

Goldman teaches a combined command based on both document structure and a character pattern (*e.g., one or more selection criteria to determine records to select 'via a*

*combined selection criteria of its derived container; col.9, lines 49-56 & col.15, line 31- col.16, line 7).*

**As to independent claim 10:**

a. The rejection of independent claim 1 above is incorporated herein in full.

Additionally, claim 10 further recites:

- (i) identifying the source for extracting content;
- (ii) parameterizing at least one selection command to operate on the resource;
- (iii) determining whether the desired content has been selected; and
- (iv) extracting the selected content if the desired content has been selected.

b. Goldman teaches:

- (i) identifying the source for extracting content (*e.g., each derived container represents a category of information; col.7, lines 58-65*);
- (ii) parameterizing at least one selection command to operate on the resource (*e.g., the selection criteria attribute can comprise a single statement, or one or more statements joined by a Boolean word ... A value-defined container definition node also comprises a pointer to a list of one or more child value-defined container definition nodes; col.11, lines 25-30*);
- (iii) determining whether the desired content has been selected (*e.g., determine the selected derived container's contents by performing a query based on the selected derived container's combined selection criteria; col.33, lines 53-67*); and

(iv) extracting the selected content if the desired content has been selected (e.g., *records that can be extracted at a derived container are determined by the derived container's combined selection criteria; col.10, lines 20-40*).

**As to dependent claim 11:**

Goldman teaches defining a second selection envelope by use of at least one second selection command if the desired content has not been selected (*col.10, lines 20-41*); selecting content from the source by use of the second selection envelope; determining whether the desired content has been selected (*col.23, lines 55-63*); and extracting the selected content if the desired content has been selected (*col.23, lines 61-63/ col.26, lines 9-19*).

**As to dependent claim 12:**

Goldman teaches the first selection envelope comprises a parent envelope (e.g., *parent derived container; col.6, lines 41-43*) and the second selection envelope comprises a child envelope (e.g., *child derived container; col.6, lines 43-46*).

**As to dependent claim 13:**

Goldman teaches the source comprises a document (e.g., *records; col.8, lines 2-10*).

**As to dependent claim 14:**

Goldman teaches the source comprises a section of a document (e.g., *subsets of database records; col.7, lines 66-67*).

**As to dependent claim 15:**

Goldman teaches determining whether the source is structure or unstructured, and selecting the at least one selection command is based upon this determination (*col.11, lines 25- 35*).

**As to dependent claim 16:**

Goldman teaches structure based command selected from, among other things, select by attribute commands (e.g., *selection criteria attribute*; *col.19, lines 1-21*).

**As to dependent claim 17:**

Goldman teaches a character based command selected from, among other things, select text matching pattern commands (e.g., *selecting using AND; OR commands*; *col.11, lines 25-27*).

**As to dependent claim 18:**

It includes the same limitations as in claim 9, and is similarly rejected under the same rationale.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goldman                    U.S Patent No. 6,343,291                    issued: Jan. 29, 2002

Kunzinger                U.S Patent No. 6,405,222                issued: Jun. 11, 2002

Bates et al.            U.S Patent No. 6,832,350            issued: Dec. 14, 2004

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-

4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on (571) 272-4090.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maikhanh Nguyen  
February 21, 2005

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER